

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application.

CLAIMS

The Office Action dated 10/06/2003 finally rejected claims 1-43 of the pending Continued Prosecution Application. Claims 1 to 43 are currently pending in this application.

Claim Rejections**I. 35 U.S.C. § 102**

Claims 26 and 43 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nawaz et al. (U.S. Patent 6,421,694 – hereinafter “Nawaz et al.”). Claim 26 is a method claim that, as amended, recites:

monitoring an IP (Internet Protocol) address to receive triggers in synchronization with a streaming content, wherein enhancing content is associated with the streaming content;

receiving an announcement on a monitored address containing information specifying how and when to receive upcoming enhancing content, wherein each trigger contains at least one item to be displayed on a ticker;

forming an array of the items received in the triggers; and

displaying the array of the items within the ticker.

1 Nawaz et al. discloses a system and method for dynamically displaying
2 items on a computer using a ticker pane. Paragraph 5 of the Office Action mailed
3 10/6/03 indicates that Nawaz et al. does not specifically disclose receiving an
4 announcement at another IP address, the announcements being used to announce
5 upcoming transmission of the triggers. The Applicant therefore submits that it is
6 improper to maintain the rejection under 35 U.S.C. §102 or 35 U.S.C. §103 over
7 Nawaz et al. with respect to claim 26.

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9 **Claim 43** as amended recites a client software architecture claim including:

10 a) a first code segment for monitoring a broadcast or multicast IP address to
11 receive enhancing content including triggers according to information contained in
12 an announcement, wherein each trigger contains at least one item for a ticker; and

13 b) a second code segment for rendering the ticker with the items received
14 via the triggers.

15 Nawaz et al. discloses a system and method for dynamically displaying
16 items on a computer using a ticker pane. Paragraph 5 of the Office Action mailed
17 10/6/03 indicates that Nawaz et al. does not specifically disclose receiving an
18 announcement at another IP address, the announcements being used to announce
19 upcoming transmission of the triggers. The Applicant therefore submits that it is
20 improper to maintain the rejection under 35 U.S.C. §102 or 35 U.S.C. §103 over
21 Nawaz et al. with respect to claim 43.

II. 35 U.S.C. § 103

Claim 27 is rejected under 35 U.S.C. § 103 as being unpatentable over Nawaz et al., and further in view of the Advances Television Enhancement Forum Specification (hereinafter ATVEF). Claim 27 further recites: “receiving announcements at another IP address, the announcements being used to announce upcoming transmissions of the triggers.” Paragraph 5 of the Office Action mailed 10/6/03 indicates that Nawaz et al. does not specifically disclose receiving an announcement at another IP address, the announcements being used to announce upcoming transmission of the triggers.

The Applicant includes with this response a declaration under 37 C.F.R. 1.132 that the various subject matter of the ATVEF standard is attributable in part to the subject matter included in the pending patent application. As stated in MPEP Section 716.10 that pertains to Attribution: Since the subject matter of ATVEF is attributable in part to the subject matter included in the pending patent application, the Applicant submits that it is inappropriate for the Examiner to maintain the current rejection over 35 U.S.C. 103(a) over Nawaz in view of ATVEF. The Applicant further submits that the concept of attribution applies to limit the application of the ATVEF standard to any of the pending claims of the current application.

Claims 1-6, 8-17, 20-22, 30-36, and 38-40 are rejected under 35 U.S.C. § 103 as being unpatentable over Schoff et al. (U.S. Patent Number 6,240,555 – hereinafter Schoff et al.) in view of ATVEF.

The Applicant includes with this response a declaration under 37 C.F.R. 1.132 that the various subject matter of the ATVEF standard is attributable in part

1 to the subject matter included in the pending patent application. As stated in
2 MPEP Section 716.10 that pertains to Attribution: Since the subject matter of
3 ATVEF is attributable in part to the subject matter included in the pending patent
4 application, the Applicant submits that it is inappropriate for the Examiner to
5 maintain the current rejection over 35 U.S.C. 103(a) over Schoff et al. in view of
6 ATVEF.

7 The Applicant submits that since claims 2, 3, 4, 5, 6, and 8 depend from
8 claim 1, the rejection of claims 1, 2, 3, 4, 5, 6, and 8 should be withdrawn and
9 these claims allowed for at least these reasons.

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11 **Claims 9-17** are rejected under 35 U.S.C. § 103 as being unpatentable over
12 Schoff et al. in view of ATVEF. Claim 9 (which claims 10-17 depend from) is a
13 method claim that recites forming “announcements” that are broadcast or multicast
14 at a second address, that specify a first address to be monitored and a time when to
15 monitor the first address to receive “triggers,” monitoring the second address to
16 receive the broadcast or multicast announcement, filtering the announcements,
17 monitoring the first address at the time specified to receive the triggers, and
18 processing the triggers to coordinate presentation of the enhancing content and the
19 streaming content.

20 As described with reference to claims 1-6 above, the Applicant includes
21 with this response a declaration under 37 C.F.R. 1.132 that the various subject
22 matter of the ATVEF standard is attributable in part to the subject matter included
23 in the pending patent application. As stated in MPEP Section 716.10 that pertains
24 to Attribution: Since the subject matter of ATVEF is attributable in part to the
25 subject matter included in the pending patent application, the Applicant submits

1 that it is inappropriate for the Examiner to maintain the current rejection over 35
2 U.S.C. 103(a) over Schoff et al. in view of ATVEF.

3 The Applicant submits that since claims 10-17 depend from claim 9, the
4 rejection of claims 9-17 should be withdrawn and these claims allowed for at least
5 these reasons.

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7 **Claims 20-23** are rejected under 35 U.S.C. § 103 as being unpatentable
8 over Schoff et al. in view of ATVEF. Claim 20 (which claims 21 and 22 depend
9 from) is a method claim that recites forming "announcements" that are broadcast
10 or multicast at a second address, that specify a first address to be monitored and a
11 time when to monitor the first address to receive "triggers," monitoring the
12 second address to receive the broadcast or multicast announcement, filtering the
13 announcements, monitoring the first address at the time specified to receive the
14 triggers, and processing the triggers to coordinate presentation of the enhancing
15 content and the streaming content.

16 As described with reference to claims 1-6 and 9-17 above, the Applicant
17 includes with this response a declaration under 37 C.F.R. 1.132 that the various
18 subject matter of the ATVEF standard is attributable in part to the subject matter
19 included in the pending patent application. As stated in MPEP Section 716.10 that
20 pertains to Attribution: Since the subject matter of ATVEF is attributable in part
21 to the subject matter included in the pending patent application, the Applicant
22 submits that it is inappropriate for the Examiner to maintain the current rejection
23 over 35 U.S.C. 103(a) over Schoff et al. in view of ATVEF.

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1 The Applicant submits that since claims 21 and 22 depend from claim 20,
2 the rejection of claims 21 and 22 should be withdrawn and these claims allowed
3 for at least these reasons as described with respect to Claim 20.

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5 **Claims 30-36** are rejected under 35 U.S.C. § 103 as being unpatentable
6 over Schoff et al. in view of ATVEF. Claim 30 (which claims 31-36 depend
7 from) is a system claim that recites a content server forming "announcements" that
8 contain information specifying an IP address and a time at which to receive
9 upcoming triggers, the content server sending the announcements by at least one
10 of broadcasting and multicasting to the client.

11 As described with reference to claims 1-6, 9-17, and 20-22 above, , the
12 Applicant includes with this response a declaration under 37 C.F.R. 1.132 that the
13 various subject matter of the ATVEF standard is attributable in part to the subject
14 matter included in the pending patent application. As stated in MPEP Section
15 716.10 that pertains to Attribution: Since the subject matter of ATVEF is
16 attributable in part to the subject matter included in the pending patent application,
17 the Applicant submits that it is inappropriate for the Examiner to maintain the
18 current rejection over 35 U.S.C. 103(a) over Schoff et al. in view of ATVEF.

19 The Applicant submits that since claims 31 to 36 depend from claim 30, the
20 rejection of claims 31 to 36 should be withdrawn and these claims allowed for at
21 least these reasons as described with respect to Claim 30.

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23 **Claims 38-40** are rejected under 35 U.S.C. § 103 as being unpatentable
24 over Schoff et al. in view of ATVEF. Claim 38 (which claims 39 and 40 depend
25 from) is a client software architecture claim that recites a listener monitoring an

1 announcement IP (Internet Protocol) address to receive announcements pertaining
2 to enhancing content for enhancing the video content. The announcements
3 containing information that specify a trigger IP address and times at which to
4 receive upcoming triggers. The listener further monitors the trigger IP address at
5 the times specified by the announcements to receive corresponding triggers. A
6 rendering component presents the video content and to enhance the video content
7 with the enhancing content according to instructions received in the triggers.

8 As described with reference to claims 1-6, 9-17, 20-22, and 30-36 above,
9 the Applicant includes with this response a declaration under 37 C.F.R. 1.132 that
10 the various subject matter of the ATVEF standard is attributable in part to the
11 subject matter included in the pending patent application. As stated in MPEP
12 Section 716.10 that pertains to Attribution: Since the subject matter of ATVEF is
13 attributable in part to the subject matter included in the pending patent application,
14 the Applicant submits that it is inappropriate for the Examiner to maintain the
15 current rejection over 35 U.S.C. 103(a) over Schoff et al. in view of ATVEF.

16 The Applicant submits that since claims 39 and 40 depend from claim 38,
17 the rejection of claims 39 and 40 should be withdrawn and these claims allowed
18 for at least these reasons as described with respect to Claim 38.

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20 **Claims 7, 18, 24, and 37** are rejected under 35 U.S.C. § 103 as being
21 unpatentable over Schoff et al. in view of ATVEF, and further in view of Nawaz
22 et al. Claim 7 depends from claim 1; claim 18 depends from claim 9; claim 24
23 depends from claim 20, and claim 37 depends from claim 30. As such, the
24 Applicant submits that for at least the reasons described above with respect to
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1 claims 1, 9, 20, and 30, that the rejection under 35 U.S.C. 103 to claims 7, 18, 24
2 and 37 should be withdrawn.

3 As mentioned above, the Applicant includes with this response a
4 declaration under 37 C.F.R. 1.132 that the various subject matter of the ATVEF
5 standard is attributable in part to the subject matter included in the pending patent
6 application. As stated in MPEP Section 716.10 that pertains to Attribution: Since
7 the subject matter of ATVEF is attributable in part to the subject matter included
8 in the pending patent application, the Applicant submits that it is inappropriate for
9 the Examiner to maintain the current rejection over 35 U.S.C. 103(a) over Schoff
10 et al. in view of ATVEF and further in view of Nawaz et al.

11 Claim 7 depends from claim 1; claim 18 depends from claim 9; claim 24
12 depends from claim 20, and claim 37 depends from claim 30. As such, the
13 Applicant submits that for at least the reasons described above with respect to
14 claims 1, 9, 20, and 30, that the rejection under 35 U.S.C. 103 to claims 7, 18, 24
15 and 37 should be withdrawn.

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17 **Claim 29** is rejected under 35 U.S.C. § 103 as being unpatentable over
18 Schoff et al. in view of ATVEF, and further in view of Nawaz et al. This claim is
19 amended by this response.

20 As mentioned above, the Applicant includes with this response a
21 declaration under 37 C.F.R. 1.132 that the various subject matter of the ATVEF
22 standard is attributable in part to the subject matter included in the pending patent
23 application. As stated in MPEP Section 716.10 that pertains to Attribution: Since
24 the subject matter of ATVEF is attributable in part to the subject matter included
25 in the pending patent application, the Applicant submits that it is inappropriate for

1 the Examiner to maintain the current rejection over 35 U.S.C. 103(a) over Schoff
2 et al. in view of ATVEF and further in view of Nawaz et al.
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2 **Conclusion**

3 In view of the following remarks, Applicant respectfully requests
4 reconsideration and allowance of the subject matter application.
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7 Respectfully Submitted,

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11 Date: 4/8/04

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